

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 24-CIV-20546 WILLIAMS/GOODMAN

Winston Maracallo,

Plaintiff,

v.

Cusano Air Conditioning &
Heating, Inc., *et al.*

Defendants.

ORDER SCHEDULING SETTLEMENT CONFERENCE

This matter having been referred to me for a settlement conference by United States District Judge Kathleen M. Williams, it is **ORDERED** that a settlement conference will take place in Judge Goodman's **Courtroom** on the 11th Floor of the James Lawrence King Federal Justice Building, 99 Northeast Fourth Street, Miami, Florida, on **Thursday, May 16, 2024 at 10:00 AM**. The parties and their counsel should report directly to Judge Goodman's courtroom, Courtroom 3. There is no need to stop first at Chambers.¹ The conference will

¹ In addition, the attorneys for ALL parties are advised to explicitly instruct their clients that NO CELL PHONES may be brought into the Courthouse by non-attorneys and that they are REQUIRED to bring PHOTO IDENTIFICATION. Counsel are obligated to provide their clients with specific instructions on which federal courthouse to appear at and how to get there.

be conducted without a court reporter so that no record of the proceedings will be maintained.

1. Attendance: The settlement conference shall be attended by counsel of record, a corporate representative for each corporate party, and all individual parties.² Corporate representatives shall have full authorization to negotiate, submit, and accept offers of settlement. For a plaintiff, this means a person authorized to accept a with-prejudice dismissal, without the receipt of any damages. For a defendant, this means a representative with sufficient settlement authority to meet the plaintiffs' damages demand in full. If there is insurance coverage available in this case, then a claims adjuster, claims attorney or other representative from the insurance carrier must attend the mediation. If more than one carrier is involved, then a representative from **each** carrier (including one providing only excess coverage) must appear.³

2. Computation of Damages: At least **four days before** the settlement conference, Plaintiff must submit to Defendant an itemized computation of the alleged damages. Plaintiff

² If any of the parties or a corporate representative is not fluent in English, then that party must arrange to retain a **certified interpreter**.

In addition, a party may not bring any outside parties to the mediation, including relatives, without the specific advance approval of the opposing party.

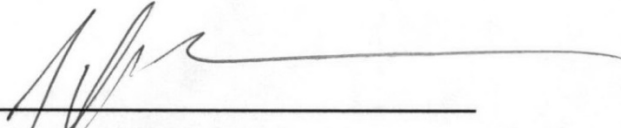
³ In exceptional circumstances, an individual may be excused from personally attending if (1) counsel or another individual has full, written authorization to negotiate, submit, and accept *all* offers of settlement and (2) the individual moves for, *and receives*, a court order granting the request.

shall provide the Undersigned with a copy of this computation at the beginning of the settlement conference.

3. Settlement Offers: The parties shall within 48 hours before the mediation speak (in person or on the phone, not merely by email) to discuss their client's latest settlement positions and to exchange updated offers, if any.

4. Confidential Statements: Each party shall prepare a **confidential settlement conference statement**, which shall consist of a short summary of the procedural posture of the case and a description of the specific claims still at issue, including each party's evidentiary support and defenses. The parties should also include any other details they believe are important to achieving a settlement in this case. The confidential settlement conference statement shall be more than a mere summary of the complaint or the affirmative defenses. It should advise the Undersigned of the party's position on the strengths of that party's own case and the weaknesses of the opponent's position. This statement will be confidential and will be read only by the Undersigned and the law clerk working on the file. To that end, the parties are instructed to email their statements to the Undersigned's e-file inbox at goodman@flsd.uscourts.gov no later than **Friday, May 10, 2024 at 5:00 p.m.**

DONE AND ORDERED in Chambers, at Miami, Florida, on April 19, 2024.


Jonathan Goodman
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

The Honorable Kathleen M. Williams

All Counsel of Record